

U.S. ENVIRONMENTAL PROTECTION AGENCY  
POLLUTION/SITUATION REPORT  
Charlestown Mall Site - Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region II

**Subject:** POLREP #4  
RV-1 Progress  
Charlestown Mall Site  
A239  
Frankfort, NY  
Latitude: 43.0891260 Longitude: -75.1833230

**To:** Joe Rotola, USEPA, Region 2, ERRD-RAB  
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**From:** Terry Kish, On Scene Coordinator

**Date:** 9/16/2010

**Reporting Period:** 8/30/2010 - 9/5/2010

## 1. Introduction

### 1.1 Background

<b>Site Number:</b>	A239	<b>Contract Number:</b>	EP-S2-10-01
<b>D.O. Number:</b>	10	<b>Action Memo Date:</b>	7/16/2010
<b>Response Authority:</b>	CERCLA	<b>Response Type:</b>	Time-Critical
<b>Response Lead:</b>	EPA	<b>Incident Category:</b>	Removal Action
<b>NPL Status:</b>	Non NPL	<b>Operable Unit:</b>	
<b>Mobilization Date:</b>	8/16/2010	<b>Start Date:</b>	8/16/2010
<b>Demob Date:</b>		<b>Completion Date:</b>	
<b>CERCLIS ID:</b>	NYC200400513	<b>RCRIS ID:</b>	
<b>ERNS No.:</b>		<b>State Notification:</b>	
<b>FPN#:</b>		<b>Reimbursable Account #:</b>	

### **1.1.1 Incident Category**

Inactive Production Facility

### **1.1.2 Site Description**

#### **1.1.2.1 Location**

The Charlestown Mall Site is located at 2205 Bleecker Street in the Town of Frankfort, Herkimer County, NY (43.089126 latitude, -75.183323 longitude). The Site is a former manufacturing facility that was used by various owners and industries from as early as 1894 until the mid 1970s when manufacturing ended at the Site. The Site is approximately 14.5 acres in size, of which, approximately 1.7 acres is located in the City of Utica, Oneida County, while the remainder is located in the Town of Frankfort, Herkimer County, New York. The Site is located at the eastern edge of the City of Utica in a largely commercial area. Commercial properties border the Site to the east, north, west and southeast. The Site is bordered to the southwest by the Masonic Care Community of New York, a large assisted living facility that has the capacity to serve approximately 300 residences. Approximately 400 residences are located within one mile of the Site and approximately 950 people live within one mile of the Site.

Savage Arms manufactured small arms and munitions at the Site until after WWII. Manufacturing at the Site slowed until the property was eventually sold in 1956 to Sperry Univac where early computer parts were developed and assembled. Sperry Univac operated at the site until operations ceased in 1976 and the property was sold. A portion of the facility was redeveloped as a retail shopping outlet known as the Charlestown Outlet Complex. At its peak, the shopping outlet housed 52 stores, two restaurants an off-track betting parlor and a food court. The Charlestown Mall operated at the west end of the site until 1991 when the complex became the Charlestown Business Complex which housed commercial tenants of various types.

The property was purchased by Charlestown Mall of Utica, LLC in 2007 and currently commercial use of the property is very limited.

#### **1.1.2.2 Description of Threat**

In recent years, several buildings at the Site have fallen into advanced states of deterioration. In early 2008, the New York State (NYS) Department of Labor (DOL) and NYS Department of Environmental Conservation (DEC) directed a demolition company to cease unpermitted demolition activities at the Site as no steps were taken to abate asbestos containing materials from the buildings and no variance was obtained prior to demolition. NYS DOL documented the presence of Asbestos Containing Materials (ACM) in the resulting debris piles. In October 2008, NYSDEC referred the Site to EPA for a removal site evaluation. As a result of efforts by the owner to obtain funding to come into compliance at the site, NYSDEC continued negotiations through October of 2009, when NYSDEC asked EPA to resume evaluation of the Site.

Evaluation of the Site in 2008 and 2009 has identified the presence of friable asbestos, corrosive and ignitable liquids, chlorinated solvents stored in drums and the presence of transformers filled with PCB-containing dielectric fluid which present direct contact threats to the public.

### **1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results**

On November 4, 2008, EPA Removal Action Branch (RAB), Criminal Investigation Division (CID) along with Removal Support Team (RST) contractors accompanied the NYSDEC Bureau of Environmental Crimes Investigations (BECI) in the execution of a search warrant to collect samples at the Site. Samples confirmed the presence of ACM both in demolition debris and within remaining deteriorated structures. During the investigation, electrical transformers were identified, some of which had been subject to salvaging. Samples confirmed that dielectric fluid released as a result of salvaging, contained PCBs in high concentrations. A sample of oily solids collected from the floor of the transformer area revealed a concentration of 44,000 mg/kg PCBs. This investigation focused solely on the dilapidated/demolished structures on the eastern half of the Site. At that time, approximately nine commercial tenants were estimated to occupy the largely empty Site. Following this assessment, NYSDEC entered into enforcement negotiations with the owner of the property. Further evaluation of the Site by EPA was suspended, pending

the outcome of those negotiations.

In October 2009, NYSDEC requested that EPA resume evaluation of the Site. EPA performed an additional removal assessment of the Site in November 2009. This assessment was expanded to include the onsite boiler house (building 6) because evidence of salvaging was observed which had released dielectric fluid onto the ground outside the building. Evaluation of the building identified drums containing corrosive, ignitable, and toxic liquids present with the building. On November 19, 2009, EPA directed the owner of the property, Charlestown Mall, LLC, to secure the boiler house (Building 6) due to the ongoing unauthorized salvaging operations, and to dispose of the abandoned hazardous substances within the building. On December 2, 2009, EPA visited the Site and confirmed that Building 6 had been secured, however the owner did not dispose of the drums within the building.

Further evaluation of the large volume of demolition debris was also conducted during the November 2009 assessment. A thorough search of surface of the pulverized debris consistently confirmed small fragments of friable ACM to be present throughout the areas searched. Asbestos content of the fragments ranged from <1% to 80% asbestos (chrysotile and/or amosite).

## **2. Current Activities**

### **2.1 Operations Section**

#### **2.1.1 Current Activities**

On August 31, 2010, the ERRS contractor mobilized two asbestos handlers and one asbestos supervisor subcontracted from Environmental Contracting and Construction Services (ECCS). ECCS installed high visibility fencing around the site establishing exclusion and support zones and set up an asbestos worker decontamination trailer. In addition to establishing the exclusion zone, ECCS established safety zones around structurally unsound buildings where access is prohibited by all personnel. ECCS began consolidating containers of inside of the boiler house (building 6) which will be moved into a storage container for later characterization and disposal.

#### **2.1.2 Response Actions to Date**

On November 19, 2009, EPA directed the owner of the Site, Charlestown Mall of Utica, LLC to secure Building 6 and to dispose of the drums containing hazardous substances within the building. On December 2, 2009, EPA visited the Site and confirmed that the building had been secured; however, the owner did not dispose of the materials inside of the building. The abandoned materials will be disposed of as a part of the upcoming removal activities.

#### **2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)**

In November 2008, NYSDEC BECI along with EPA Removal Action Branch and Criminal Investigation Division executed a search warrant at the Site in response to the unpermitted demolition and potential asbestos release which had been documented at the Site. In 2009 NYSDEC directed Charlestown Mall of Utica, LLC to perform a cleanup of the asbestos contaminated debris and PCBs at the Site. Several PRPs have been identified by EPA's Office of Regional Counsel (ORC) and efforts are ongoing to establish additional potentially liable parties. A complete summary of the enforcement status can be obtained through EPA ORC.

#### **2.1.4 Progress Metrics**

To date only project mobilization and administrative tasks have been completed.

### **2.2 Planning Section**

#### **2.2.1 Anticipated Activities**

### 2.2.1.1 Planned Response Activities

An Action Memorandum was approved on July 16, 2010 detailing the need and objective of this removal action. Removal activities will include the following:

- Characterization and disposal of drums and chemicals located inside Building 6;
- Remove and dispose of the electrical transformers and capacitors from Building 15;
- Containerize and properly dispose of the PCB-contaminated debris from the floor of Building 15;
- Demolish Building 15, segregate and dispose of PCB contaminated material as appropriate;
- Repair/replace existing chain link fence;
- Evaluate Buildings 7, 13 and 17 to determine if any bulk ACM can be safely removed prior to demolition;
- Remove and dispose of ACM from existing dilapidated structures and segregated from the debris;
- Demolish remaining portions of Buildings 5, 7, 13 and 17 that cannot be decontaminated safely;
- Demolish partially collapsed Building 9 to provide additional space to stage asbestos contaminated debris accumulated and provide access to the partially collapsed former firing range, which may contain residual lead and require off-site disposal;
- Segregate and decontaminate scrap metal for recycling;
- Dispose off-site asbestos-contaminated debris.

### 2.2.1.2 Next Steps

ERRS contractors will continue to consolidate drums and containers from within the boiler house. PCB containing dielectric fluid was poured into various small containers by people salvaging within the building. These containers will be bulked together for characterization and disposal. ERRS contractors have arranged for two clean-up technicians and one equipment operator to attend Asbestos Handler training September 7-10, 2010. A haul road must be constructed to access the Site from Bleecker St. Construction of the road is anticipated to begin the week of September 13, 2010.

### 2.2.2 Issues

The owner of the property allowed a large volume of highway construction debris (soil/asphalt/concrete) to be placed along the entire length of the National Grid right-of-way in order to raise the grade several feet (even with Bleecker St). This was not authorized by National Grid and the resulting elevation has left some sagging power lines dangerously low in the area where the haul road is to be constructed.

## 2.3 Logistics Section

Not Applicable

## 2.4 Finance Section

### 2.4.1 Narrative

#### Estimated Costs \*

	Budgeted	Total To Date	Remaining	% Remaining
<b>Extramural Costs</b>				
ERRS - Cleanup Contractor	\$1,175,000.00	\$43,547.00	\$1,131,453.00	96.29%
TAT/START	\$230,000.00	\$19,867.00	\$210,133.00	91.36%
<b>Intramural Costs</b>				

USEPA - Direct	\$62,000.00	\$17,500.00	\$44,500.00	71.77%
<b>Total Site Costs</b>	\$1,467,000.00	\$80,914.00	\$1,386,086.00	94.48%

\* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

## 2.5 Safety Officer

The owner of the property allowed a large volume of highway construction debris (soil/asphalt/concrete) to be placed along the entire length of the National Grid right-of-way in order to raise the grade several feet (even with Bleecker St). This was not authorized by National Grid and the resulting elevation has left some sagging power lines dangerously low in the area where the haul road is to be constructed. Kemron will amend the health and safety plan to include overhead utility safety.

## 2.6 Liaison Officer

Not Applicable

## 2.7 Information Officer

### 2.7.1 Public Information Officer

Not Applicable

### 2.7.2 Community Involvement Coordinator

Community Involvement Coordinator, Cecilia Echols, has been assigned to the Site and is currently creating a fact sheet.

## 3. Participating Entities

### 3.1 Unified Command

Not Applicable

### 3.2 Cooperating and Assisting Agencies

New York State Department of Environmental Conservation  
New York State Department of Labor

## 4. Personnel On Site

- 1 - EPA OSC
- 5 - ERRS (KEMRON and ECCS)
- 1 - RST 2 (Weston Solutions, Inc.)

## 5. Definition of Terms

ACM: Asbestos Containing Material  
ERRS: Emergency Rapid Response Service contract (KEMRON Environmental Services, Inc.)

RST: Removal Support Team (Weston Solutions, Inc.)  
ECCS: Environmental Contracting and Construction Services  
PCBs: Polychlorinated biphenyls

## 6. Additional sources of information

### 6.1 Internet location of additional information/reports

- [www.epaosc.net/charlestownmall](http://www.epaosc.net/charlestownmall)
- <http://www.osha.gov/SLTC/asbestos/>
- <http://www.epa.gov/asbestos/>

### 6.2 Reporting Schedule

PolReps will be issued on a weekly basis.

## 7. Situational Reference Materials

Clicking the link below will launch Google™ Earth (if installed on your computer)

<http://www.epaosc.org/sites/5676/files/Charlestown%20Mall%20Site.kmz>

**Note:** 40 MB download, a high speed internet connection is recommended.

A line drawing depicting building layout of the Site and associated building numbers  
<http://www.epaosc.org/sites/5676/files/Charlestown%20Mall%20Layout.pdf>